LAW 855

Environmental Law and Sustainable Development

S1 External 2019

Macquarie Law School

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General Information

Unit convenor and teaching staff
Convenor
Jeff Smith
jeffrey.smith@mq.edu.au
Contact via Email
Arrange via email

Credit points
4

Prerequisites
Admission to MEnvLaw or MIntEnvLaw or MIntRel or MWldMgt or LLM or MSocEntre or MIntLawGovPP or GradDipIntRel or MPlan or MPPP or GradDipPP or MConsBio or MIntBusMIntRel or MSusDev or GradDipSusDev or MMarScMgt or GradCertSocEntre or 42cp in LAW or LAWS units at 400 or 500 level or (admission to JD and 32cp in LAW or LAWS units at 800 level)

Corequisites

Co-badged status
LAWS560

Unit description
The unit provides an introduction to environmental law in Australia. Environmental law has evolved into a large and rapidly developing field. Students can approach this subject as an essential dimension of international law, constitutional law, common law, administrative law, or property law. Human rights and the deepening divides in our globalised world are also enduring issues. Environmental law can also be seen as a reaction to exploitative growth and ecologically destructive projects. Much of the early environmental law had this focus. The unit also highlights the need for practical strategies for ecological sustainability.

Important Academic Dates

Information about important academic dates including deadlines for withdrawing from units are available at https://www.mq.edu.au/study/calendar-of-dates

Learning Outcomes

On successful completion of this unit, you will be able to:

Identify and critique key ethical and interdisciplinary perspectives on the environment.

Describe and analyse the history of environmental law and regulation in Australia,

including the emergence of sustainable development as a key principle.

Define and critique different styles of environmental regulation and the regulatory tools available.

Recognise and assess how environmental law relates to other laws in Australia and at the international level and the extent of consistency/inconsistency.

Identify and interpret the most important cases and statutes in Australian environmental law and critique their content and significance.

Identify and analyse the major challenges facing environmental law in Australia and explain whether solutions exist taking into consideration past successes/failures.

Analyse and prepare sound recommendations for law reform, further research, or the creative application of existing law, to address environmental issues.

General Assessment Information

Details of the assessment tasks and detailed marking rubrics are available on iLearn. All written assessments are to be submitted electronically via Turnitin. Plagiarism detection software is used in this unit and the University's Academic Honesty Policy is strictly applied. All written assignments must be referenced in accordance with the Australian Guide to Legal Citation Volume 4. Word limits will be strictly applied. Material over the word limit will not be read.

Unless a Special Consideration request has been submitted and approved,

(a) a penalty for lateness will apply – two (2) marks out of 100 will be deducted per day for assignments submitted after the due date – and

(b) no assignment will be accepted more than seven (7) days (incl. weekends) after the original submission deadline.

No late submissions will be accepted for timed assessments – e.g. quizzes, online tests.

Assessment Tasks

Name	Weighting	Hurdle	Due
Class participation	20%	No	Throughout
Annotated bibliopgraphy	20%	No	11:59pm Friday 12th April 2019
Research paper	60%	No	11:59pm Sunday 9th June 2019

Class participation

Due: **Throughout**
Weighting: **20%**

Students are expected to discuss relevant materials in class and answer tutorial questions and

problems. You are also expected to engage with other students and the tutor in an appropriate manner that involves analysis of the assigned material and informed responses to questions posed in class. Students will not be awarded the class participation mark simply for attending the tutorial sessions.

For external students, class participation is assessed during the On-Campus Session.

On successful completion you will be able to:

- Identify and critique key ethical and interdisciplinary perspectives on the environment.
- Describe and analyse the history of environmental law and regulation in Australia, including the emergence of sustainable development as a key principle.
- Define and critique different styles of environmental regulation and the regulatory tools available.
- Recognise and assess how environmental law relates to other laws in Australia and at the international level and the extent of consistency/inconsistency.
- Identify and interpret the most important cases and statutes in Australian environmental law and critique their content and significance.
- Identify and analyse the major challenges facing environmental law in Australia and explain whether solutions exist taking into consideration past successes/failures.
- Analyse and prepare sound recommendations for law reform, further research, or the creative application of existing law, to address environmental issues.

Annotated bibliopgraphy

Due: **11:59pm Friday 12th April 2019**
Weighting: **20%**

This task requires students to prepare an annotated bibliography of eight (8) sources that are relevant to the research topic they have chosen for their final paper. Students will be required to identify eight relevant sources, provide a brief description and some analysis of the content of the source and evaluate it in terms of its relevance to the research topic.

The word limit is 2000 words.

On successful completion you will be able to:

- Identify and critique key ethical and interdisciplinary perspectives on the environment.
- Define and critique different styles of environmental regulation and the regulatory tools available.
- Recognise and assess how environmental law relates to other laws in Australia and at the international level and the extent of consistency/inconsistency.

Research paper

Due: **11:59pm Sunday 9th June 2019**
Weighting: **60%**

Essay topics and instructions will be posted early in the semester. This is to be a thought-provoking exercise to stimulate you to independently explore in depth a topic of genuine interest to you.

By **5pm Friday 29th March**, each student is required to **EMAIL** the convenor a one-page outline of their chosen research topic, method, and indicative sources for approval.

Research paper length: 4,500 words (excluding footnotes and bibliography). To be submitted through Turnitin in **Word format**.

On successful completion you will be able to:

- Identify and analyse the major challenges facing environmental law in Australia and explain whether solutions exist taking into consideration past successes/failures.
- Analyse and prepare sound recommendations for law reform, further research, or the creative application of existing law, to address environmental issues.

Delivery and Resources

Readings for each week will be posted in advance on iLearn.

Textbook: Gerry Bates, *Environmental Law in Australia*, 9th edition, 2016.

Weekly tutorial questions and other information about the unit will also be communicated through iLearn.

Students will be required to use a computer to interact with online research databases and web-based research tools. This unit's ilearn page will also contain additional lessons with multimedia content to facilitate learning. All students need access to a secure and reliable server for access to iLearn and submission of assessment tasks.

Unit Schedule

DAY 1 – Saturday 20 April – 12 Second Way Rm 225

9.00-9.30 Introductions & preliminary matters

9.30-10.30 Topic 1: Themes of environmental law (Week 2 tutorial questions)

10.30-11.00 Coffee Break

11.00-12.00 Topic 2: Public interest environmental aaw and access to justice (Week 3 tutorial questions)

12:00-1.00 Lunch

1.00-2.00 Topic 3: Ecologically Sustainable Development (Week 5 tutorial questions)

2.00-2.45 Topic 4: Pollution law (Week 7 tutorial questions)

2.45-3 Coffee Break

3.00-4.00 Topic 5: Law and the environment (open discussion based on the efficacy of other laws – consumer, corporate, tax, etc - and their role in protecting the environment)

DAY 2 – Sunday 21 April – 12 Second Way Rm 225

9.00-10.00 Topic 6: Climate change law (Video and open discussion)

10.00-11 Topic 7: Threatened species law (Week 8 tutorial questions)

11.00-11.30 Coffee Break

11.30-12.30 Topic 8: Adaptation law (Week 10 tutorial questions)

12.30-1.30 Lunch

1.30-2.30 Topic 9: Aboriginal people and the environment (Week 12 tutorial)

2.30-2.45 Coffee Break

2.45-3.45 Topic 10: Environmental Crime (Week 13 tutorial questions)

3.45-4 Conclusion

Policies and Procedures

Macquarie University policies and procedures are accessible from Policy Central (https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central). Students should be aware of the following policies in particular with regard to Learning and Teaching:

- Academic Appeals Policy
- Academic Integrity Policy
- Academic Progression Policy
- Assessment Policy
- Fitness to Practice Procedure
- Grade Appeal Policy

- Complaint Management Procedure for Students and Members of the Public
- Special Consideration Policy *(**Note:** The Special Consideration Policy is effective from 4 December 2017 and replaces the Disruption to Studies Policy.)*

Undergraduate students seeking more policy resources can visit the Student Policy Gateway (https://students.mq.edu.au/support/study/student-policy-gateway). It is your one-stop-shop for the key policies you need to know about throughout your undergraduate student journey.

If you would like to see all the policies relevant to Learning and Teaching visit Policy Central (https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central).

Student Code of Conduct

Macquarie University students have a responsibility to be familiar with the Student Code of Conduct: https://students.mq.edu.au/study/getting-started/student-conduct

Results

Results published on platform other than eStudent, (eg. iLearn, Coursera etc.) or released directly by your Unit Convenor, are not confirmed as they are subject to final approval by the University. Once approved, final results will be sent to your student email address and will be made available in eStudent. For more information visit ask.mq.edu.au or if you are a Global MBA student contact globalmba.support@mq.edu.au

Student Support

Macquarie University provides a range of support services for students. For details, visit http://students.mq.edu.au/support/

Learning Skills

Learning Skills (mq.edu.au/learningskills) provides academic writing resources and study strategies to improve your marks and take control of your study.

- Workshops
- StudyWise
- Academic Integrity Module for Students
- Ask a Learning Adviser

Student Services and Support

Students with a disability are encouraged to contact the Disability Service who can provide appropriate help with any issues that arise during their studies.

Student Enquiries

For all student enquiries, visit Student Connect at ask.mq.edu.au

If you are a Global MBA student contact globalmba.support@mq.edu.au

IT Help

For help with University computer systems and technology, visit http://www.mq.edu.au/about_us/offices_and_units/information_technology/help/.

When using the University's IT, you must adhere to the Acceptable Use of IT Resources Policy. The policy applies to all who connect to the MQ network including students.

Graduate Capabilities

PG - Capable of Professional and Personal Judgment and Initiative

Our postgraduates will demonstrate a high standard of discernment and common sense in their professional and personal judgment. They will have the ability to make informed choices and decisions that reflect both the nature of their professional work and their personal perspectives.

This graduate capability is supported by:

Learning outcomes

- Identify and interpret the most important cases and statutes in Australian environmental law and critique their content and significance.
- Analyse and prepare sound recommendations for law reform, further research, or the creative application of existing law, to address environmental issues.

Assessment task

- Class participation

PG - Discipline Knowledge and Skills

Our postgraduates will be able to demonstrate a significantly enhanced depth and breadth of knowledge, scholarly understanding, and specific subject content knowledge in their chosen fields.

This graduate capability is supported by:

Learning outcomes

- Identify and critique key ethical and interdisciplinary perspectives on the environment.
- Describe and analyse the history of environmental law and regulation in Australia, including the emergence of sustainable development as a key principle.
- Define and critique different styles of environmental regulation and the regulatory tools available.
- Identify and interpret the most important cases and statutes in Australian environmental law and critique their content and significance.

Assessment tasks

- Annotated bibliopgraphy
- Research paper

PG - Critical, Analytical and Integrative Thinking

Our postgraduates will be capable of utilising and reflecting on prior knowledge and experience, of applying higher level critical thinking skills, and of integrating and synthesising learning and knowledge from a range of sources and environments. A characteristic of this form of thinking is the generation of new, professionally oriented knowledge through personal or group-based critique of practice and theory.

This graduate capability is supported by:

Learning outcomes

- Identify and critique key ethical and interdisciplinary perspectives on the environment.
- Describe and analyse the history of environmental law and regulation in Australia, including the emergence of sustainable development as a key principle.
- Define and critique different styles of environmental regulation and the regulatory tools available.
- Recognise and assess how environmental law relates to other laws in Australia and at the international level and the extent of consistency/inconsistency.

Assessment tasks

- Class participation
- Annotated bibliopgraphy
- Research paper

PG - Research and Problem Solving Capability

Our postgraduates will be capable of systematic enquiry; able to use research skills to create new knowledge that can be applied to real world issues, or contribute to a field of study or practice to enhance society. They will be capable of creative questioning, problem finding and problem solving.

This graduate capability is supported by:

Learning outcomes

- Define and critique different styles of environmental regulation and the regulatory tools available.
- Identify and interpret the most important cases and statutes in Australian environmental law and critique their content and significance.

Assessment tasks

- Annotated bibliopgraphy
- Research paper

PG - Effective Communication

Our postgraduates will be able to communicate effectively and convey their views to different social, cultural, and professional audiences. They will be able to use a variety of technologically supported media to communicate with empathy using a range of written, spoken or visual formats.

This graduate capability is supported by:

Learning outcomes

- Identify and interpret the most important cases and statutes in Australian environmental law and critique their content and significance.
- Identify and analyse the major challenges facing environmental law in Australia and explain whether solutions exist taking into consideration past successes/failures.
- Analyse and prepare sound recommendations for law reform, further research, or the creative application of existing law, to address environmental issues.

Assessment tasks

- Class participation
- Annotated bibliopgraphy
- Research paper

PG - Engaged and Responsible, Active and Ethical Citizens

Our postgraduates will be ethically aware and capable of confident transformative action in relation to their professional responsibilities and the wider community. They will have a sense of connectedness with others and country and have a sense of mutual obligation. They will be able to appreciate the impact of their professional roles for social justice and inclusion related to national and global issues

This graduate capability is supported by:

Learning outcomes

- Identify and critique key ethical and interdisciplinary perspectives on the environment.
- Describe and analyse the history of environmental law and regulation in Australia, including the emergence of sustainable development as a key principle.
- Recognise and assess how environmental law relates to other laws in Australia and at the international level and the extent of consistency/inconsistency.

- Identify and analyse the major challenges facing environmental law in Australia and explain whether solutions exist taking into consideration past successes/failures.
- Analyse and prepare sound recommendations for law reform, further research, or the creative application of existing law, to address environmental issues.

Assessment task

- Class participation

Changes from Previous Offering

Some content has been updated or replaced in order to keep pace with developments in this area of the law.

Changes since First Published

Date	Description
27/02/2019	Change to Unit Schedule to reflect OCS date and work program